

husband, who is Plaintiff YONG HUA DONG, Mother, who is Plaintiff XUZHEN GUO, father, State law. On December 11, 2008, at about 10:45 p.m., the Plaintiff JIN HONG, resided with her of the rights and immunities secured to Plaintiff by the United States Constitution and New York action under 42 USC 1983 and 1988 and New York State law to redress Defendants' violations Plaintiffs JIN HONG, YONG HUA DONG, XUZHEN GUO, and JIAMOU HONG bring this

PRELIMINARY STATEMENT

hereby respectfully allege as follows:

Plaintiffs JIN HONG, YONG HUA DONG, JIAMOU HONG, and XUZHEN GUO by and through their attorneys, SHARIFOV & RUSSELL, LLP, as and for their complaint herein,

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Defendants.

POLICE OFFICER THOMAS WILSON,

POLICE OFFICER JAMES MALONEY, and

POLICE OFFICER VOLEANDA TURNER,

MAS, POLICE OFFICER JAMES PETTANATO,

KEVIN MUNNELLY, POLICE OFFICER SEAN

OFFICER GERRARD PEYER, POLICE OFFICER

SERGEANT RUSSELL MARINELLO, POLICE

FERRARA, POLICE OFFICER DANIEL FLEIDNER,

DANIELA FARRELL, POLICE OFFICER SCOTT

JELIVEIR ESPINOSA, POLICE OFFICER

COUNTY POLICE DEPARTMENT, POLICE

OFFICER MICHAEL PALAZZO, SERGEANT

JIYI HONG, YONG HUA DONG, XUZHEN

GUO, and the Estate of JIAMOU HONG,

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Case No.: 10-cv-1112 (LDW)

-against-

JURY TRIAL DEMANDED

Plaintiffs,

PLAINTIFFS, FIRST
AMENDED COMPLAINT

EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

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JIAMOU HONG, who is now deceased, and twin four-year-old sons at 182 Village Road, Manhasset, New York, looked outside her window and saw police lights. She went outside to investigate and see if she could be of assistance, and was shocked to see a giant man running crashed his police cruiser into a tree that is in close proximity to the house, but obstructed from HONG without any justification for doing so and then called for backup, claiming that a motorist he was chasing had caused him to crash his police cruiser into a tree. The other Defendants, POLICE OFFICER ESPINOSA, POLICE OFFICER DANIEL FARRELL, POLICE OFFICER SCOTT FERRARA, POLICE OFFICER DANIEL FLIEDNER, SERGEANT RUSSELL MARINELLO, POLICE OFFICER GERALD PEYER, POLICE OFFICER KEVIN MUNNELLY, POLICE OFFICER SEAN MASS, POLICE OFFICER JAMES PETTANATO, POLICE OFFICER YOLANDA TURNER, POLICE OFFICER MICHAEL MALONEY, and POLICE OFFICER THOMAS WILSON (the "other Defendant Police Officer's"), arrived on the scene and MICHAEL PALAZZO led them into Plaintiff's home with his gun drawn, and without a warrant, consent, or probable cause to do so. Thereafter, the Plaintiff YOUNG HUA DONG, who was asleep with one of the couple's four-year old twin sons, up at gunpoint and began asking him many questions, including where his green card was and what clothes he was wearing that day. The police searched the entire room and then moved onto the room where JIAMOU HONG, was sleeping. Defendant MICHAEL PALAZZO pushed the

door open and began screaming loudly him, grabbed him by the shoulder, physically ripped him from his bed, and then again yanked him into the hallway when he paused in an attempt to pick up from the floor a shirt to wear. The other Defendant Police Officers barged into the room where Plaintiff XIUZHEN GUO, was asleep with the other four-year-old boy. The other Police Officer Defendants, along with MICHAEL PALAZZO, woke them up, and herded them to the hallway where the Defendants forced the entire family, except JIN HONG who was still halfway where the Defendants forced the entire family, except JIN HONG who was still transacked every single room in the house. Several of the Police Officers guarded the Plaintiff XIUZHEN GUO and would not let them move at all, despite repeated pleas from XIUZHEN GUO and Plaintiff MICHAEL PALAZZO and the other other Defendant Police Officers exited the house, Defendant MICHAEL PALAZZO in the police cruiser and brought her to the Sixth Precinct. Plaintiff JIN HONG was forced to wait outside handcuffed in the pouring rain until they finished the search. HONG was forced to wait outside handcuffed in the pouring rain until they finished the search, atrhritic knees. The Defendants confiscated the Plaintiffs' immigration papers and Plaintiff JIN transacked every single room in the house. Several of the Police Officers guarded the Plaintiff XIUZHEN GUO that they be allowed to sit down to relieve the excruciating pain in their weak hands outside, to wait for over thirty minutes while they canvassed, searched, and placed Plaintiff JIN HONG in the police cruiser and brought her to the Sixth Precinct. Defendant MICHAEL PALAZZO falsely charged her with six violations of the Vehicle and Officer in the Third Degree. The Plaintiff is completely innocent of these charges and was kindly walking outside to offer help at the time she was arrested. In the charges Defendant MICHAEL PALAZZO filed, he falsely claimed that he had observed JIN HONG driving a vehicle that was committing traffic infractions, and that when he tried to stop her, she turned off her headlights and accelerated to a high rate of speed in an attempt to flee the traffic stop. He claimed that he then apprehended JIN HONG, but did not disclose his own car crash, or the aggressive search of the Plaintiffs' home. The Plaintiff, JIN HONG, was released on \$500 police

- acts complained of herein occurred within this District.
5. That venue for this action properly lies in the Eastern District of New York because the false arrest; malicious prosecution; and intentional infliction of emotional distress.
- VENUE
- damages, both compensatory and punitive, as well as attorney's fees, for assault; battery; That the Plaintiffs, invoking the pendant jurisdiction of this Court, also seeks monetary damages, both compensatory and punitive, as well as attorney's fees, for assault; battery; That jurisdiction is founded upon 28 U.S.C. §§ 1331, 1343, and 1367.
- Fourteenth amendments to the Constitution of the United States.
2. That this action is brought pursuant to 42 U.S.C. §§ 1983 and 1988 and the Fourth and attorney's fees.
1. That this is a civil action, seeking compensatory damages, punitive damages, and attorney's fees.

JURISDICTION

of emotional distress, through this complaint.

other torts including assault, battery, false arrest, malicious prosecution, and intentional infliction wagges, and seek redress for Defendants' violations of their civil and constitutional rights, and including physical symptoms, extreme emotional distress, loss of employment opportunity, lost on March 25, 2010. The Plaintiffs have all suffered extreme damages from this incident adjourned in contemplation of dismissal for a period of one day, and was dismissed and sealed all charges brought under the VTL were dismissed. On March 24, 2010, the final charge was false charges which he caused to be filed in court over the following months. On June 15, 2009 District Attorney's Office by MICHAEL PALAZZO, who then prepared two additional sets of custody at arraignment when her bail was raised based on false information provided to the bail the following morning, and issued a desk appearance ticket, only to be taken back into

6. That at all times relevant hereto, Plaintiffs, JIN HONG, YONG HUA DONG, and XUZHENG GUO, were and are natural persons, residing in the County of Nassau, State of New York.
7. Plaintiffs JIN HONG and YONG HUA DONG are United States Citizens, and the Plaintiff XUZHENG GUO is a legal permanent resident of the United States.
8. That Plaintiff JIN HONG was arrested in this case, and the police entered into her house where her husband, YONG HUA DONG, was sleeping with their young son.
9. That XUZHENG GUO is Plaintiff JIN HONG's mother and victimized by the Defendants in this case.
10. The Plaintiff JIAMOU HONG is the Plaintiff JIN HONG's father and was victimized by in this case.
11. That at all times relevant hereto, Defendant THE COUNTY OF NASSAU was and is a municipal corporation duly existing under, and operating by virtue of the laws of New York State.
12. That at all times relevant hereto, Defendant THE COUNTY OF NASSAU was and is a municipal corporation doing business in the State of New York.
13. That at all times relevant hereto, Defendant THE COUNTY OF NASSAU did and does operate, manage, maintain, and control Defendant NASSAU COUNTY POLICE DEPARTMENT in conducting its municipal function within the State of New York.
14. That at all relevant times hereeto, Defendant THE COUNTY OF NASSAU employed police officers to work as representatives of THE COUNTY OF NASSAU.

PARTIES

15. That at all times relevant hereto, Defendant MICHAEL PALAZZO was employed as a police officer by the Defendant Nassau County Police Department and was acting under the color of state law.

16. That at all times relevant hereto, Defendant POLICE OFFICER DANIELA FARRELL, POLICE OFFICER SCOTT FERRARA, POLICE OFFICER DANIEL FLIEDNER, SERGEANT RUSSELL MARINELLO, POLICE OFFICER GERALD PEYER, POLICE OFFICER KEVIN MUNNELLY, POLICE OFFICER SEAN MASS, POLICE OFFICER JAMES PETTANATO, POLICE OFFICER YOLANDA TURNER, POLICE OFFICER JAMES MALONEY, and POLICE OFFICER THOMAS WILSON, were and are natural persons employed as police officers by the Defendant Nassau County Police Department, and were acting under the color of state law.

17. That at all times relevant hereto the Defendant THE COUNTY OF NASSAU had a duty to ensure its servants, employees, and representatives conduct themselves in a manner so as not to intentionally, recklessly, wantonly, or negligently cause injuries to others as not to intentionally, recklessly, wantonly, or negligently cause injuries to others

18. That at all times relevant hereto the Defendant Nassau County Police Department had a duty to ensure its servants, employees, and representatives conduct themselves in a manner so as not to intentionally, recklessly, wantonly, or negligently cause injuries to others

19. That on December 11, 2008, at approximately 10:45 p.m. Defendant MICHAEL

20. Defendant THE COUNTY OF NASSAU.
That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL PALAZZO was on duty as a police officer, employed by the Defendant NASSAU COUNTY POLICE DEPARTMENT, which is managed by, controlled by, and exists under law by virtue of, Defendant THE COUNTY OF NASSAU.

21. Defendant THE COUNTY OF NASSAU.
That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL PALAZZO was operated RMP 639 in a careless, wanton, and negligent manner in the vicinity of 182 Village Drive, Mahasset, New York, and as a result of said conduct, was veered off the road crashing RMP 639 into a tree in the vicinity of 182 Village Drive, Mahasset, New York.

22. That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL PALAZZO was not engaged in a police pursuit of any vehicle at the time he crashed RMP 639 into a tree in the vicinity of 182 Village Drive, Mahasset, New York.

23. That on December 11, 2008, at approximately 10:45 p.m., the property located at 182 Village Drive, Mahasset, New York was completely obscured by a fence and trees from the vantage point of the location where Defendant MICHAEL PALAZZO crashed RMP 639, making it impossible for Defendant PALAZZO to see anyone entering or exiting 182 Village Drive.

24. That the Plaintiff JIN HONG and the Plaintiff YOUNG HUA DONG own the property located at 182 Village Drive, Mahasset, New York.

25. That on December 11, 2008, at approximately 10:45 p.m., neither Defendant MICHAEL PALAZZO, nor the other Police Officer Defendants, nor Defendants NASSAU and owned or leased by both Defendant NASSAU COUNTY POLICE DEPARTMENT and

- COUNTY POLICE DEPARTMENT, nor THE COUNTY OF NASSAU, had consent or
any other lawful reason to enter the property located at 182 Village Drive, Manhasset,
New York.
- That on December 11, 2008, at approximately 10:45 p.m., the Plaintiff JIN HONG was
present in the driveway of 182 Village Drive, Manhasset, New York.
- That on December 11, 2008, at approximately 10:45 p.m., neither the Plaintiff JIN
HONG, nor any person present at 182 Village Drive, Manhasset, New York, was recently
involved in, presently involved in, or about to be involved in, the commission of any
crime, offense, or any other activity in violation of any law.
- That on December 11, 2008, at approximately 10:45 p.m., the Plaintiff JIN HONG was
not any person present at 182 Village Drive, Manhasset, New York, was recently
involved in, presently involved in, or about to be involved in, the commission of any
crime, offense, or any other activity in violation of any law.
- That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL
PALAZZO did not have probable cause, reasonable suspicion, or any other lawful basis
to believe that the Plaintiff JIN HONG, or anyone else present at 182 Village Drive,
Manhasset, New York, was recently involved in, presently involved in, or about to be
involved in, the commission of any crime, offense, or any other activity in violation of
any law.
- That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL
PALAZZO did not have probable cause, reasonable suspicion, or any other lawful basis
to believe that the Plaintiff JIN HONG, or anyone else present at 182 Village Drive,
Manhasset, New York, was recently involved in, presently involved in, or about to be
involved in, the commission of any crime, offense, or any other activity in violation of
any law.
- That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL
PALAZZO did not have probable cause, reasonable suspicion, or any other lawful basis
to believe that the Plaintiff JIN HONG, or anyone else present at 182 Village Drive,
Manhasset, New York, was recently involved in, presently involved in, or about to be
involved in, the commission of any crime, offense, or any other activity in violation of
any law.
- That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL
PALAZZO, unlawfully and illegally entered the property of 182 Village Drive,
Manhasset, New York and approached the Plaintiff JIN HONG by running toward her
screaming obsceneities.
- That on December 11, 2008, at approximately 10:45 p.m., Defendant MICHAEL
PALAZZO screamed words to the effect of "you made me crash my car you stupid
bitch," and failed to identify himself as a police officer to the Plaintiff JIN HONG.

31. That on December 11, 2008, at approximately 10:50 p.m., Defendant MICHAEL PALAZZO intended to, and did in fact, cause the Plaintiff JIN HONG imminent apprehension of offensive or harmful bodily contact by running toward her in the middle of a dark rainy night screaming obscenities and without identifying himself as a police officer.
32. That on December 11, 2008, at approximately 10:50 p.m., Defendant MICHAEL PALAZZO arrested the Plaintiff JIN HONG by grabbing her by the arms and shoulders and handcuffing her.
33. That on December 11, 2008, at approximately 10:50 p.m., Defendant MICHAEL PALAZZO intended to, and did in fact, cause the Plaintiff JIN HONG to suffer offensive and handcuffing her.
34. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO did not have probable cause to arrest the Plaintiff JIN HONG for any offense.
35. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO knew that he did not have probable cause to arrest the Plaintiff JIN HONG provoke, resist, or consent to illegal arrest of her effected by Defendant MICHAEL PALAZZO.
36. That on December 11, 2008, at approximately 10:51 p.m., the Plaintiff JIN HONG did not for any offense.
37. That on December 11, 2008 at approximately 10:51 p.m., Defendant MICHAEL PALAZZO intended to, and did in fact, confirm Plaintiff JIN HONG when he arrested her

38. That on December 11, 2008 at approximately 10:51 p.m., Plaintiff JIN HONG was unconscious of the fact she was confined when Defendant MICHAEL PALAZZO arrested her. That on December 11, 2008 at approximately 10:51 p.m., Plaintiff JIN HONG was arrested by Defendant MICHAEL PALAZZO without probable cause, and the confinement was not justifiable by any privilege.

39. That on December 11, 2008 at approximately 10:51 p.m., the Plaintiff JIN HONG was conscious of the fact she was confined when Defendant MICHAEL PALAZZO arrested her.

40. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO used greater force than was necessary in arresting the Plaintiff JIN HONG.

41. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO did not observe the Plaintiff JIN HONG in possession of any weapon or instrument capable of injuring him, Plaintiff JIN HONG did not in fact possess any such weapon or instrument, and Plaintiff JIN HONG did not make any movements that would provide Defendant MICHAEL PALAZZO with reasonable suspicion she possessed any weapon or instrument, and Plaintiff JIN HONG did not in fact possess any such weapon or instrument, and Plaintiff JIN HONG did not in fact possess any such

42. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO falsely arrested the Plaintiff JIN HONG for the purpose of falsely accusing Plaintiff JIN HONG of causing the damage that Defendant MICHAEL PALAZZO caused to RMP 639 by crashing it into a tree.

43. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO falsely arrested the Plaintiff JIN HONG for causing his police car to crash into

44. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO falsely accused the Plaintiff JIN HONG of being the driver of a vehicle financial liability of the crash caused by his wanton, reckless, and negligent conduct, of its own employee Defendant MICHAEL PALAZZO, the purpose of sparing Defendant NASSAU COUNTY POLICE DEPARTMENT the embarrassment and financial liability of the crash caused by the wanton, reckless, and negligent conduct and its own employee Defendant MICHAEL PALAZZO.
45. That on December 11, 2008, at approximately 10:51 p.m., Defendant MICHAEL PALAZZO falsely accused the Plaintiff JIN HONG for causing the crash for the targeted in a police pursuit to blame the Plaintiff JIN HONG for causing the crash for the purpose of sparing Defendant NASSAU COUNTY POLICE DEPARTMENT the embarrassment and financial liability of the crash caused by the wanton, reckless, and negligent conduct, of its own employee Defendant MICHAEL PALAZZO.
46. That Defendant MICHAEL PALAZZO falsely accused the Plaintiff JIN HONG of being the driver of a vehicle financial liability of the crash caused by the wanton, reckless, and negligent conduct and its own employee Defendant MICHAEL PALAZZO, the purpose of sparing Defendant MICHAEL PALAZZO the embarrassment and financial liability of the crash caused by the wanton, reckless, and negligent conduct, of its own employee Defendant MICHAEL PALAZZO.
47. That on December 11, 2008, at approximately 10:55 p.m., Defendant MICHAEL PALAZZO used the radio issued to him by his employer, Defendant THE NASSAU COUNTY POLICE DEPARTMENT, to cause other Defendant police officers employed the Fourth and Fourteenth Amendments of the United States Constitution, incarcerated, and deprived of her liberty, in violation of the rights guaranteed to her by DEPARTMENT, which caused the Plaintiff JIN HONG to be falsely seized, arrested, official policy, custom, or practice of Defendant NASSAU COUNTY POLICE causing a vehicle crash by leading him on a high speed vehicle pursuit, as part of an incarceral, and deprived of her liberty, in violation of the rights guaranteed to her by the Fourteenth and Fourteenth Amendments of the United States Constitution.

this falsely obtained evidence.

48. MICHAEL PALAZZO, and each other, to deprive the Plaintiff JIN HONG of her civil
NASSAU to arrive at the scene and aid, abet, and act in concert with Defendant
MICHAEL PALAZZO, and each other, to deprive the Plaintiff JIN HONG of her civil
and constitutional rights.

49. That on December 11, 2008, at approximately 11:00 p.m., Defendant MICHAEL
PALAZZO engaged in misconduct in falsely arresting the Plaintiff JIN HONG for the
purpose of procuring false evidence against her.

50. That on December 11, 2008, at approximately 11:00 p.m., Defendant MICHAEL
PALAZZO did in fact procure false evidence from Plaintiff JIN HONG in that he created
a notice of intent to use a statement made by a defendant, pursuant to section 710.30 of
the New York Criminal Procedure Law, by falsely claiming Plaintiff JIN HONG made a
statement during the encounter.

That Defendant MICHAEL PALAZZO created the encounter in which to falsely claim
Plaintiff JIN HONG made an inculpatory statement to him by falsely arresting her and
then falsely completing a notice of intent to offer statement evidence, thereby
intentionally procuring false evidence by, through, and as a direct result of, his
misconduct in falsely arresting Plaintiff JIN HONG.

51. That Defendant MICHAEL PALAZZO did procure false evidence in the form of a
statement which would implicate Plaintiff in the criminal conduct Defendant MICHAEL
PALAZZO falsely claimed to have witnessed, thereby causing the Plaintiff JIN HONG to
be deprived of her liberty as direct result of the false evidence procured by Defendant

- That the other Defendant Police Officers, who all were and are employed by Defendant Nassau County Police Department, and were on duty in their capacity as representatives of Defendant THE COUNTY OF NASSAU, drove the vehicles issued to them by their Defendant Nassau County Police Department to 182 Village Drive in response to a request made for assistance by Defendant Michael Palazzo. Defendant Palazzo caused other patrol cars containing the other Police Officer Defendants to arrive on the premises of 182 Village Drive, Manhasset, New York.

That on December 11, 2008, at approximately 11:05 p.m., Defendant Michael Palazzo falsely advised the other Police Officer Defendants that he had crashed RMP 639 into a tree while engaged in a vehicle pursuit.

55. That on December 11, 2008, at approximately 11:07 p.m., Defendant Michael Palazzo caused the other Police Officer Defendants to enter the Plaintiff's house with him by advising them that they would be searching for a suspect Defendant Michael Palazzo was pursuing when he crashed his cruiser into a tree, who he observed enter the Plaintiff's house, and who could be identified by wet clothes caused by the rain.

56. That other Police Officer Defendants knew or should have known that Defendant Michael Palazzo was falsely claiming to have been involved in a vehicle pursuit,

and that Defendant Michael Palazzo was falsely claiming that a person he was pursuing in a vehicle pursuit entered the Plaintiff's house located at 182 Village Drive in Manhasset, New York because the location where he crashed RMP 639 was not even in view of the Plaintiff's house and Plaintiff Jin Hong was already standing outside of the

- home handcuffed, after being arrested as the suspect Defendant MICHAEL PALAZZO falsely claimed to have been pursuing. That on December 11, 2008, Defendant MICHAEL PALAZZO was not in fact involved in a vehicle pursuit at the time he crashed RMP 639 into a tree. That on December 11, 2008, Defendant MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, illegally, unlawfully, willfully, and without any warrant, consent, or justification, entered the house owned by Plaintiff JIN HONG and her husband Plaintiff YONG HUA DONG. That on December 11, 2008, at approximately 11:07 p.m., Defendant MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, illegally, unlawfully, willfully, and without any warrant, consent, or justification, entered the house owned by Plaintiff JIN HONG and her husband Plaintiff YONG HUA DONG. That on December 11, 2008, at approximately 11:07 p.m., Defendant MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other,非法地, 不法地, willfully, and without any warrant, consent, or justification, entered the marital bedroom with one of his four year old sons. That on December 11, 2008, at approximately 11:09 p.m., at 182 Village Drive Mahopac, New York, Plaintiff YONG HUA DONG was asleep in the marital bedroom and ordered Plaintiff YONG HUA DONG and his four year old son from the bed at gun point. That on December 11, 2008, at approximately 11:09 p.m., the Defendants, MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, intended to, and did, cause the Plaintiff YONG HUA DONG imminent apprehension of offensive bodily contact. That on December 11, 2008, at approximately 11:09 p.m., the Defendants, MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, intended to, and did, cause the Plaintiff YONG HUA DONG imminent apprehension of offensive bodily contact.

63. That on December 11, 2008, at approximately 11:11 p.m., at 182 Village Drive in Mahasset, New York, Defendant MICHAEL PALAZZO, entered the room where Jiamou Hong was sleeping.

64. That on December 11, 2008, at approximately 11:11 p.m., Defendant MICHAEL PALAZZO physically grabbed JIAMOU HONG by the shoulder, ripped him from the bed, and screamed in his face.

65. That on December 11, 2008, at approximately 11:11 p.m., Defendant MICHAEL PALAZZO, and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, intended to, and did, cause the Plaintiff JIAMOU HONG, imminent apprehension of offensive bodily contact.

66. That on December 11, 2008, at approximately 11:11 p.m., Defendant MICHAEL PALAZZO, and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, intended to, and did, cause the Plaintiff JIAMOU HONG, to suffer harmful or offensive bodily contact.

67. That on December 11, 2008 at approximately 11:12 p.m., the Police Officer Defendants barged into a room where Plaintiff XIUZHEN GUO was sleeping with one of JIN HONG and YONG HUA DONG's twin four-year-old sons.

68. That on December 11, 2008 at approximately 11:13 p.m., several of the Police Officer Defendants ordered XIUZHEN GUO and her grandson from the bed and ordered them to the hall where YONG HUA DONG and his son were already being forced to stand.

69. That on December 11, 2008 at approximately 11:15 p.m., XUZHENG GUO tried to tell the Police Officer Defendants that she could barely stand the pain in her weak arthritic knees but they ignored her.
70. That on December 11, 2008, at approximately 11:15 p.m., the Defendants, MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, intended to, and did in fact, cause the Plaintiff XUZHENG GUO implement apprehension of offensive bodily contact.
71. That on December 11, 2008, at approximately 11:15 p.m., Defendants, MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, intended to, and did in fact, cause the Plaintiff XUZHENG GUO to suffer offensive bodily contact.
72. That on December 11, 2008 at approximately 11:15 p.m. several of the Police Officer Defendants ransacked the room Plaintiff XUZHENG GUO was sleeping in, went through drawers and cabinets, and touched every piece of clothing they could find.
73. That on December 11, 2008, at approximately 11:15 p.m., Defendant MICHAEL PALAZZO instructed Plaintiff YONG HUA DONG to retrieve JIAMOU HONG and XUZHENG GUO's immigration papers and then confiscated them.
74. That on December 11, 2008, between approximately 11:10 p.m. and 11:45 p.m., Defendants MICHAEL PALAZZO and the other Police Officer Defendants, while aiding and abetting each other and acting in concert with each other, through the threat of physical force, and under the color of state law, restricted Plaintiffs, XUZHENG GUO,
- YONG HUA DONG, and JIAMOU HONG's movement to a small hallway in their home and refused their repeated pleas to be allowed to move around and sit down to relieve the pain in their legs.

- extreme pain caused by being forced to stand up without support for their weak and injured knees.
- That on December 11, 2008 between approximately 11:10 p.m. and 11:45 p.m., the Plaintiffs XIUZHEN GUO, JIAMOU HONG, and YONG HUA DONG never resisted or provoked Defendants MICHAEL PALAZZO or the other Police Officer Defendants, or provided them with any reason to believe there were weapons or dangerous weapons capable of injuring the officers in the house.
- That on December 11, 2008, at approximately 11:45 p.m., Defendants MICHAEL PALAZZO and the other Police Officer Defendants walked back outside of the Plaintiff's house and back into the driveway where Plaintiff JIN HONG remained handcuffed, in custody, and soaked from the pouring rain.
- That on December 11, 2008, at approximately 11:45 p.m., Defendants MICHAEL PALAZZO and one of the other Police Officer Defendants, placed the Plaintiff JIN HONG into the other Police Officer Defendant's marked police vehicle and transported PALAZZO and the other Police Officer Defendants, placed the Plaintiff JIN HONG into the other Police Officer Defendant's marked police vehicle and transported her to the Sixth Precinct.
- That on December 12, 2008 at approximately 2:00 a.m., the Defendant MICHAEL PALAZZO issued the Defendant JIN HONG uniform traffic tickets falsely charging the offenses of Reckless Driving (VTL § 1212), driving an a speed not reasonable and prudent (VTL § 1180(a)), two counts of Failure to Properly Signal (VTL § 1163(a)), Failure to Yield (VTL § 1143), and Driving a Vehicle Without Proper Headlights (VTL § 375(2)(a)), and a Desk Appearance Ticket falsely charging her with Unlawfully Fleeing the Police in the Third Degree (N.Y. Penal Law § 270.25), a Class A misdemeanor.

79. That the uniform traffic tickets and desk appearance tickets Defendant MICHAEL PALAZZO issued the Plaintiff JIN HONG all required her to appear for arraignment on December 26, 2008 in Nassau County First District Court.

80. That on December 26, 2008 the Plaintiff JIN HONG appeared in court for arraignment and based on the false allegations submitted by Defendant MICHAEL PALAZZO, the prosecutor requested that bail be set in the amount of \$1,500.

81. That the Plaintiff JIN HONG entered a not guilty plea and was taken back into custody after the Honorable Andrea Phoenix raised the police bail by \$500.

82. That on December 26, 2008, at approximately 1:00 p.m. the Plaintiff JIN HONG was released from custody after a relative posted the bail.

83. That on February 26, 2009, Defendant MICHAEL PALAZZO caused three (3) additional accusations instruments he prepared and subscribed to be filed against Plaintiff JIN HONG, charging her with two counts of Failure to Signal (VTL 1163(a)) and Reckless Driving (VTL § 1212), all of which allegedly occurred at 10:45 p.m. on December 11, 2008.

84. That on February 26, 2009, the Defendant MICHAEL PALAZZO commenced and continued the prosecution of these charges without probable cause to believe the action would succeed because he knew full well the Plaintiff JIN HONG did not commit the offenses charged in the accusatory instruments he filed.

85. That on February 26, 2009, the Defendant MICHAEL PALAZZO acted with actual malice when he filed additional false charges against the Plaintiff JIN HONG, falsely accusing her again of the exact same acts he already charged her with two months earlier

- That on March 9, 2009, Defendant MICHAEL PALAZZO caused three (3) additional accusations he prepared and subscribed to be filed against Plaintiff JIN HONG, falsely charging her with Failure to Yield (VTL § 1143), Driving at an Speed not Reasonable and Prudent (VTL § 1180(a)), and Driving without Proper Headlights (VTL § 375(2)(a)), all of which allegedly occurred at 10:45 p.m. on December 11, 2008.

That on March 9, 2009, Defendant MICHAEL PALAZZO commenced and continued this prosecution without probable cause to believe the prosecution could be sustained because he knew the Plaintiff JIN HONG did not commit any of these offenses.

That on March 9, 2009, Defendant MICHAEL PALAZZO commenced these actions and continued the prosecution with actual malice, falsely accusing her again in this third batch of charges of the exact same acts he already charged her with two and a half months earlier.

That on March 11, 2009 Plaintiff JIN HONG, YONG HUA DONG, JIAMOU HONG and XIUZHEN GUO, served a Notice of Claim upon the County of Nassau stating their intent to seek damages for Defendants' conduct complained of herein.

That all requirements of section 50H of the Municipal Law have been complied with and this action was commenced within one year and ninety (90) days of the incident.

That on June 26, 2009, the Honorable Sondra K. Pardes granted the Plaintiff JIN HONG's motion to dismiss all accusatory instruments charging the VTL offenses.

That the dismissal of all VTL offenses terminated the prosecution in favor of the Plaintiff JIN HONG, with respect to the six false charges contained in the uniform traffic tickets issued by Defendant MICHAEL PALAZZO on December 12, 2008, the three VTL offenses Defendant MICHAEL PALAZZO falsely charged Plaintiff JIN HONG with on

93. That the sole remaining count of Unlawful Fleecing of a Police Officer was adjoined in February 26, 2009, and the three VTL offences Defendant MICHAEL PALAZZO falsely charged Plaintiff JIN HONG with on March 9, 2009.
94. That as a result of the conduct described herein, the Plaintiff JIN HONG suffered contemplation of dismissal on March 24, 2010 for a period of one day and was dismissed and sealed on March 25, 2010.
95. That as a result of the Defendants' conduct described herein, Plaintiff YONG HUA DONG suffered violations of his civil and constitutional rights, and damages in that he is now unable to sleep, suffers from mental anguish, damage to his reputation, emotional distress, loss of enjoyment of life, physical manifestations from these ailments, has had to seek medical treatment, and will need to seek further medical treatment in the future, all of which caused him to incur substantial monetary damages.
96. That as a result of the Defendants' conduct described herein, Plaintiff XIUZHEN GUO now unable to sleep, suffers from mental anguish, damage to her reputation, emotional distress, a loss of enjoyment of life, physical manifestations from these ailments, has had to seek medical treatment, and will need to seek further medical treatment in the future, to incur substantial monetary damages.

97. That as a result of the Defendants' conduct described herein, Plaintiff JIAMOU HONG suffered physical manifestations from these ailments, all of which caused her to incur substantial monetary damages.
98. That the conduct described herein and the resulting injuries to the Plaintiff were caused solely by reason of the carelessness, negligence, intentional and negligent infliction of emotional distress, actual malice, false arrest, and malicious prosecution on the part of the Defendants, their agents, police officers, and employees, in violation of the Plaintiff's, civil and constitutional rights, and without any cause, provocation, or negligence on the part of the Plaintiff contributing thereto.
99. That by reason of the foregoing, Plaintiffs JIN HONG, YONG HUA DONG, JIAMOU HONG and XUZHENG GUO, have been damaged in an amount to be determined upon trial of this matter and/or in the sum of ONE MILLION (\$1,000,000) DOLLARS.

- POLICE DEPARTMENT believed that their actions would not be properly monitored by COUNTY OF NASSAU including those employed by Defendant NASSAU COUNTY.
104. That as a result of the practices and customs described herein, police officers in THE COUNTY OF NASSAU violated the part of police officers.
- Officer Defendants, thereby failing to adequately discourage further constitutional violations on the part of police officers.
- Police officers, including Defendants MICHAEL PALAZZO, and the other Police Officer Defendants, thereby failing to adequately supervise and train its NASSAU COUNTY POLICE DEPARTMENT to inadequately supervise and train its Police Officers, including Defendants MICHAEL PALAZZO, and the other Police Officer Defendants, to inadequately and improperly investigate citizen complaints of police misconduct, and the acts of misconduct were instead tolerated by the Police Officer Defendants, to inadequately and improperly investigate citizen complaints NASSAU COUNTY POLICE DEPARTMENT, MICHAEL PALAZZO, and the other Police Officer Defendants, developed and maintained policies or customs that exhibited a deliberate indifference to the constitutional rights of persons in the County of Nassau which caused the violations of the Plaintiffs' civil and constitutional rights.
102. That it was the policy and/or custom of Defendants THE COUNTY OF NASSAU, COUNTY POLICE DEPARTMENT, MICHAEL PALAZZO, and the other Police Officer Defendants developed and maintained policies or customs that exhibited a deliberate indifference to the constitutional rights of persons in the County of Nassau which caused the violations of the Plaintiffs' civil and constitutional rights.
101. That Prior to December 11, 2008, Defendants THE COUNTY OF NASSAU, NASSAU COUNTY POLICE DEPARTMENT, MICHAEL PALAZZO, and the other Police Officer Defendants developed and maintained policies or customs that exhibited a deliberate indifference to the constitutional rights of persons in the County of Nassau herein.

paragraphs 1-99 of this complaint with the same force and effect as though fully set forth

100. That the Plaintiffs repeat, reiterate, and recite, each and every allegation contained in

(Monell Claim)

(All Plaintiffs Against All Defendants)

CONSTITUTIONAL VIOLATIONS

AS AND FOR A FIRST CAUSE OF ACTION - CIVIL RIGHTS AND

forth herein.

- paragraphs 1-107 of this complaint with the same force and effect as though fully set forth herein.
108. That the Plaintiffs repeat, reiterate, and reallege, each and every allegation contained in

(All Plaintiffs Against All Defendants)

CONSTITUTIONAL VIOLATIONS

AS AND FOR A THIRD CAUSE OF ACTION - CIVIL RIGHTS AND

gunpoint and then searching the entire house.

- their consent, and without any lawful justification, and tearing them from their beds at Constitution by entering their home in the middle of the night without a warrant, without guarantee to them by the Fourth and Fourteenth Amendments of the United States and abetting each other and acting in concert, invaded the Plaintiffs Right to Privacy and aiding Defendants MICHAEL PALAZZO and the other Defendant PO's, while aiding forth herein.
107. That the Defendants MICHAEL PALAZZO and the other Defendant PO's, while aiding paragraphs 1-105 of this complaint with the same force and effect as though fully set forth herein.

106. That the Plaintiffs repeat, reiterate, and reallege, each and every allegation contained in

(All Plaintiffs Against All Defendants)

CONSTITUTIONAL VIOLATIONS

AS AND FOR A SECOND CAUSE OF ACTION - CIVIL RIGHTS AND

constitutional rights alleged herein.

- Officer Defendants, which were the cause of the violations of the Plaintiffs' civil and County Police Department, MICHAEL PALAZZO, and the other Police the part of policymakers of Defendants THE COUNTY OF NASSAU, NASSAU That the police and customs described above demonstrate a deliberate indifference on would be tolerated.
105. supervisor officers and that misconduct would not be investigated or sanctioned, but

bodily contact when they approached her, arrested her, and kept her in custody on false did in fact cause Plaintiff JIN HONG imminent apprehension of harmful or offensive Plaintiff JIN HONG imminent apprehension of harmful or offensive bodily contact, and aiding and abetting each other and acting in concert with each other, intended to cause 112. That Defendants MICHAEL PALAZZO and the other Police Officer Defendants, while forth herein.

paragraphs 1-110 of this complaint with the same force and effect as though fully set 111. That the Plaintiff's repeat, reiterate, and realllege, each and every allegation contained in

(Jin Hong against all Defendants)

AS AND FOR A FOURTH CAUSE OF ACTION - STATE LAW ASSAULT

the Plaintiff JIN HONG to be denied the constitutional right to due process. procurement and utilization of false evidence are a policy and custom, and which caused COUNTY OF NASSAU and NASSAU COUNTY POLICE DEPARTMENT, where the employed by, are representatives of, and were acting on behalf of Defendants THE Defendants MICHAEL PALAZZO and the other Police Officer Defendants are 110. That Defendants MICHAEL PALAZZO and the other Police Officer Defendants are fact even committed at all.

commit crimes, that Plaintiff JIN HONG did not in fact commit, and which were never in Defendants' initial misconduct in falsely claiming to have witnessed Plaintiff JIN HONG HONG suffered by being taken into custody is a legally cognizable result of the being taken into custody at arraignment, and that the deprivations of liberty Plaintiff JIN that the Plaintiff JIN HONG suffered a deprivation of liberty through her initial arrest and state law, utilized misconduct to procure false evidence against the Plaintiff JIN HONG, while aiding and abetting and acting in concert with each other, and under the color of 109. That the Defendants MICHAEL PALAZZO and the other Police Officer Defendants,

without provocation, and with no lawful justification or purpose.

consent of Plaintiffs YONG HUA DONG, JIAMOU HONG, and XIUZHEN GUO, and forced them from their beds and into the hallway, all of which they did without the night, uninvited and with no legal justification for being there, awoke them at gun point, harmful or offensive bodily contact when they barged into their home in the middle of the YONG HUA DONG, JIAMOU HONG, and XIUZHEN GUO, imminent apprehension of apprehension of harmful or offensive bodily contact, and did in fact cause Plaintiffs YONG HUA DONG, JIAMOU HONG, and XIUZHEN GUO imminent aiding and abetting each other and acting in concert with each other, intended to cause 115. That Defendants MICHAEL PALAZZO and the other Police Officer Defendants, while forth herein.

paragraphs I-113 of this complaint with the same force and effect as though fully set 114. That the Plaintiffs repeat, reiterate, and recite, each and every allegation contained in (*Yong Hua Dong, Jiamou Hong, and Xiuzehen Guo against all Defendants*)

AS AND FOR A FIFTH CAUSE OF ACTION - STATE LAW ASSAULT

were committed pursuant to official policies and customs.

for the actions of their employees and otherwise liable because the acts complained of NASSAU and NASSAU COUNTY POLICE DEPARTMENT who are vicariously liable 113. That MICHAEL PALAZZO and the other Police Officer Defendants assaulted Plaintiff JIN HONG while working for, as representatives of, with the express or implied consent of, at the instruction of, and for the benefit of, their employers THE COUNTY OF PROSECUTION, and with no lawful justification or privilege.

charges, all of which they did without the consent of Plaintiff JIN HONG, without

- were committed pursuant to official policies and customs.
- for the actions of their employees and otherwise liable because the acts complained of
NASSAU and NASSAU COUNTY POLICE DEPARTMENT who are vicariously liable
of, at the instruction of, and for the benefit of, their employers THE COUNTY OF
JIN HONG, while working for, as representatives of, with the express or implied consent
119. That MICHAEL PALAZZO and the other Police Officer Defendants assaulted Plaintiff
JIN HONG, without provocation, and with no lawful justification or purpose.
with the intent to falsely arrest her, all of which they did without the consent of Plaintiff
JIN HONG to suffer harmful or offensive bodily contact, by physically handcuffing her
Plaintiff JIN HONG harmful or offensive bodily contact, and did in fact cause Plaintiff
aiding and abetting each other and acting in concert with each other, intended to cause
118. That Defendants MICHAEL PALAZZO and the other Police Officer Defendants, while
forth herein.

paragraphs 1-116 of this complaint with the same force and effect as though fully set
117. That the Plaintiffs repeat, reiterate, and reallege, each and every allegation contained in
(Jin Hong against all Defendants)

AS AND FOR A SIXTH CAUSE OF ACTION - STATE LAW BATTERY

- polices and customs.
- and otherwise liable because the acts complained of were committed pursuant to official
POLICE DEPARTMENT who are vicariously liable for the actions of their employees
benefit of, their employers THE COUNTY OF NASSAU and NASSAU COUNTY
representatives of, with the express or implied consent of, at the instruction of, and for the
YONG HUA DONG, JIAMOU HONG, and XUZHENG GUO, while working for, as
116. That MICHAEL PALAZZO and the other Police Officer Defendants assaulted Plaintiff

- polices and customs.
- and otherwise liable because the acts complained of were committed pursuant to official POLICE DEPARTMENT who are vicariously liable for the actions of their employees benefit of, their employers THE COUNTY OF NASSAU and NASSAU COUNTY representatives of, with the express or implied consent of, at the instruction of, and for the YONG HUA DONG, JIAMOU HONG, and XUZHENG GUO, while working for, as 122. That MICHAEL PALAZZO and the other Police Officer Defendants battered Plaintiff's and XUZHENG GUO without provocation, and with no lawful justification or purpose, which they did without the consent of Plaintiff's YONG HUA DONG, JIAMOU HONG, removing them from their beds when they entered the Plaintiff's home uninvited, all of HONG, and XUZHENG GUO to suffer harmful or offensive bodily contact, by physically offensive bodily contact, and did in fact cause Plaintiff's YONG HUA DONG, JIAMOU cause Plaintiff's YONG HUA DONG, JIAMOU HONG, and XUZHENG GUO harmful or aiding and abetting each other and acting in concert with each other, did intended to 121. That Defendants MICHAEL PALAZZO and the other Police Officer Defendants, while paragraphs 1-115 of this complaint with the same force and effect as though fully set forth herein.
120. That the Plaintiff's repeat, reiterate, and realllege, each and every allegation contained in (Yong Hua Dong, Jiamou Hong, and Xuzecheng Guo against all Defendants)

Plaintiff JIN HONG by drafting and subscribing several accusations instruments which he Officer Defendants, commenced and continued a criminal prosecution against the 127. That the Defendant MICHAEL PALAZZO, while acting in concert with the other Police forth herein.

paragraphs 1-125 of this complaint with the same force and effect as though fully set 126. That the Plaintiff's repeat, reiterate, and reallege, each and every allegation contained in paragraphs 1-125 of this complaint with the same force and effect as though fully set

(Jin Hong against All Defendants)

PROSECUTION

AS AND FOR A NINTH CAUSE OF ACTION - STATE LAW MALICIOUS

complained of were committed pursuant to official policies and customs. vicariously liable for the actions of their employees and otherwise liable because the acts

COUNTY OF NASSAU and NASSAU COUNTY POLICE DEPARTMENT who are consent of, on the instruction of, and for the intended benefit of, their employees THE Plaintiff JIN HONG while working for, as representatives of, with the express or implied

125. That MICHAEL PALAZZO and the other Police Officer Defendants falsely arrested Plaintiff JIN HONG while working for, as representatives of, with the express or implied Officer Defendants was not privileged.

of Plaintiff JIN HONG by Defendants MICHAEL PALAZZO and the other Police confirmation, Plaintiff JIN HONG did not consent to being confined, and the confinement intended to confine Plaintiff JIN HONG, Plaintiff JIN HONG was conscious of her 124. That the Defendants MICHAEL PALAZZO and the other Police Officer Defendants paragraph 1-122 of this complaint with the same force and effect as though fully set forth herein.

123. That the Plaintiff's repeat, reiterate, and reallege, each and every allegation contained in paragraphs 1-122 of this complaint with the same force and effect as though fully set

(Jin Hong against all Defendants)

AS AND FOR A EIGHTH CAUSE OF ACTION - STATE LAW FALSE ARREST

- beds while screaming at them, ransacking their house for no valid reason, screaming night, entering their house without permission or lawful basis, tearing them from their approaching each of them on their own property at gunpoint and in the middle of the HONG, and XUZHENG GUO, by engaging in extreme and outrageous conduct inflicted emotional distress on the Plaintiffs JIN HONG, YONG HUA DONG, JIAMOU while aiding and abetting each other and acting in concert with each other, intentionally 130. That the Defendants MICHAEL PALAZZO and the other Police Officer Defendants, forth herein.

paragraphs 1-128 of this complaint with the same force and effect as though fully set 129. That the Plaintiffs repeat, reiterate, and reallege, each and every allegation contained in

(All Plaintiffs against All Defendants)

EMOTIONAL DISTRESS

AS AND FOR A TENTH CAUSE OF ACTION - INTENTIONAL INFILCITION OF

polices and customs.

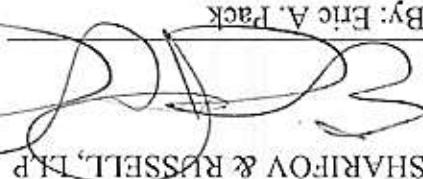
- otherwise liable because the acts complained of were committed pursuant to official DEPARTMENT who are vicariously liable for the actions of their employees and employers THE COUNTY OF NASSAU and NASSAU COUNTY POLICE or implied consent of, on the instruction of, and for the intended benefit of, their prosecuted Plaintiff JIN HONG while working for, as representatives of, with the express 128. That MICHAEL PALAZZO and the other Police Officer Defendants maliciously Plaintiff JIN HONG.

with actual malice in causing each to be filed, and which were terminated in favor of the under the VTL, which he knew lacked the probable cause to succeed, which he acted caused to be successively filed, charging Plaintiff JIN HONG with criminal offenses

(516) 505-2300
Hempstead, New York 11550

50 Main Street
Attorneys for the Plaintiffs

By: Eric A. Pack


SHARIFOV & RUSSELL, LLP

Respectfully Submitted,

Dated: Hempstead, New York
March 14, 2010

and proper.

costs and disbursements of bringing this action, and any other relief the Court deems just
damages on the first, second, and third causes of action, together with attorneys' fees, the
tenant causes of action, and of ONE MILLION (\$1,000,000) DOLLARS in compensatory
DOLLARS in punitive damages on the, fourth, fifth, sixth, seventh, eighth, ninth, and
(\$1,000,000) DOLLARS in compensatory damages and of ONE MILLION (\$1,000,000)

WHEREFORE Plaintiffs demand judgment in the amount of ONE MILLION

to official polices and customs.

employees and otherwise liable because the acts complained of were committed pursuant
COUNTY POLICE DEPARTMENT who are vicariously liable for the actions of their
the intended benefit of, their employers THE COUNTY OF NASSAU and NASSAU
representatives of, with the express or implied consent of, on the instruction of, and for

HUA DONG, JIAMOU HONG, and XUZHEN GUO while working for, as
intentionally inflicted extreme emotional distress upon Plaintiffs JIN HONG, YONG
131. That Defendant MICHAEL PALAZZO and the other Police Officer Defendants
debilitating distress which caused physical symptoms to manifest in each Plaintiff,
obscenities at and falsely arresting Plaintiff JIN HONG, causing the Plaintiffs severe and